

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

DURAND TOSON,  
Institutional ID No. 02206334  
SID No. 50244260

Plaintiff,

v.

CHAD Q. CONN, *et al.*,

Defendants.

No. 5:22-CV-00193-H

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation (FCR) in this case. Specifically, the Magistrate Judge recommended that the Court order answers or other responsive pleadings for Plaintiff's claims that (1) Defendants Chad Conn and Devin Esquivel subjected him to excessive force in violation of the Eighth Amendment and retaliated against him for filing a grievance against another officer at a different unit; (2) Defendants Tiffanie Shirel, Tara Flores, Rebecca Synder, Casy Parkinson, Bradie Jackson, Davisa Montoya, and Jada Wheelis were deliberately indifferent to his serious medical needs; and (3) all Defendants subjected him to unsanitary conditions of confinement. The Magistrate Judge also recommended that the Court dismiss with prejudice Plaintiff's remaining claims against all Defendants for failure to state a claim.

Plaintiff filed objections, and the Court conducted a de novo review of the relevant portions of the record and the Magistrate Judge's report. Plaintiff's objections are comprised of restatements of arguments made in his complaint (as supplemented by his response to the Court's questionnaire), arguments thoroughly addressed by the FCR,

conclusory statements, or mere disagreements with the Magistrate Judge's wording. Thus, Plaintiff's objections are overruled, and the Court expressly accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

As a result, the Court orders:


(1) The Court will enter a separate order directing service and requiring answers or other responsive pleadings for the following Defendants and claims as set forth above and in the FCR: (1) Defendants Chad Conn and Devin Esquivel for excessive force and retaliation; (2) Defendants Tiffanie Shirel, Tara Flores, Rebecca Synder, Casy Parkinson, Bradie Jackson, Davisa Montoya, and Jada Wheelis for deliberate indifference to Plaintiff's serious medical needs; and (3) all Defendants named above for unsanitary conditions of confinement.

(2) Plaintiff's remaining claims are dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A for failure to state a claim.

(3) There is no just reason for delay in entering a final judgment and final judgment should be entered as to the above-named Defendants and claims pursuant to Federal Rule of Civil Procedure 54(b).

(4) All relief not expressly granted is denied and any pending motions are denied.

Dated February 3, 2025.

  
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JAMES WESLEY HENDRIX  
United States District Judge